

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

DONALD LYLE STRATTON,

Plaintiff,

v.

MARVIN SPENCER, et al.,

Defendants.

Case No. C08-5203RBL

ORDER

THIS MATTER comes on before the above-entitled Court upon the Magistrate Judge's Report and Recommendation [Dkt. #40]. Having considered the entirety of the records and file herein, the Court finds and rules as follows:

- (1) Plaintiff's Motion for Voluntary Dismissal (filed in C08-5418RBL [Dkt. #10] and referring to this cause number) is **GRANTED**;
- (2) Defendants' Motion to Dismiss [Dkt. #36] is **DENIED**; and
- (3) Plaintiff's Complaint [Dkt. #21] is **DISMISSED WITHOUT PREJUDICE**.

IT IS SO ORDERED.

The Clerk shall send uncertified copies of this order to all counsel of record, and to any party appearing pro se.

Dated this 20th day of November, 2008.


RONALD B. LEIGHTON
UNITED STATES DISTRICT JUDGE